



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

June 4, 1993

Ms. Priscilla A. Lozano  
Office of General Counsel  
The University of Texas System  
201 West Seventh Street  
Austin, Texas 78701-2981

OR93-285

Dear Ms. Lozano:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 19623.

The University of Texas at Austin ("UT") received a request for "the names, addresses and telephone numbers of all U.T. Legal Assistant Program class members." You contend that the students in the Legal Assistant Program did not receive notice of their right to object to the release of directory information as required by The Family Educational Rights and Privacy Act of 1974 ("FERPA"), 20 U.S.C. § 1232g(b)(1), until after the request for the information was made. The affected students were given until March 27, 1993, to exercise their right to refuse the release of directory information. You therefore claim that sections 3(a)(14) and 14(e) of the Open Records Act except release of the information at least until the individual students have the opportunity to object to disclosure of the information.

Section 14(e) prohibits the release of directory information if the educational agency does not conform to FERPA notice requirements. *See* Open Records Decision Nos. 244 (1980), 96 (1975). An educational agency may only disclose directory information if the agency gives prior public notice to affected students of their right to object to disclosure. 34 C.F.R. § 99.37 (1992). The deadline set for the students to respond was March 27; you must therefore release any directory information to which no objection has been raised pursuant to FERPA. You must not release directory information on those students who objected to its disclosure.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please contact our office.

Yours very truly,



Loretta R. DeHay  
Assistant Attorney General  
Opinion Committee

LRD/WMW/le

Ref.: ID# 19623  
ID# 19937

Enclosures: submitted documents

cc: Mr. Raymond James Corsbie, II  
702 Lamar Place #304  
Austin, Texas 78752-4000  
(w/o enclosures)